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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SHAYNA PEARSON, an individual,

Plaintiff,

vs.

ROCK GATE CAPITAL, LLC dba 160
DRIVING ACADEMY, an Illinois Limited
Liability Company; and DOES 1-50, inclusive;
and ROE CORPORATIONS 1-50, inclusive,

Defendants.

CASE NO.: 2:24-cv-133-CDS-MDC

**STIPULATION AND ORDER TO
EXTEND DEADLINE FOR DEFENDANT
TO ANSWER OR RESPOND TO
PLAINTIFF'S COMPLAINT AND FOR
REFERRAL FOR AN EARLY NEUTRAL
EVALUATION PURSUANT TO LR 16-5
AND LR 16-6**

(FIRST REQUEST)

IT IS HERBY STIPULATED AND AGREED, by and between Plaintiff Shayna Pearson ("Plaintiff"), through her counsel of record Michael Arata, Esq. and HKM Employment Attorneys LLP, and Defendant Rock Gate Capital, LLC dba 160 Driving Academy ("Defendant"), through its counsel of record, Stephen R. Hackett, Esq. and Sklar Williams PLLC, as follows:

1. On January 18, 2024, Plaintiff filed her Complaint and Jury Demand alleging violations of the Family Medical Leave Act ("FMLA"), 29 U.S.C. § 2601, et seq., among other claims. ECF 1.

2. On or about January 24, 2024, Plaintiff attempted to serve the Summons and Complaint on Defendant Rock Gate Capital, LLC dba 160 Driving Academy. ECF 4-1. Plaintiff and Defendant shall collectively be referred to herein as "the Parties."

1 3. Thereafter, the Parties expressed a mutual desire to engage in good faith
2 settlement discussions through an Early Neutral Evaluation pursuant to LR 16-5 and LR 16-6.

3 4. In addition, while Defendant initially had retained counsel at Haynes and Boone
4 in Houston, Texas, that individual had to go on maternity leave earlier than expected,
5 necessitating additional time for Defendant to retain new counsel to respond to the Complaint,
6 which Plaintiff has agreed to accommodate.

7 5. Thereafter, Defendant retained new counsel at Haynes and Boone in Houston,
8 Texas, which counsel intends to file a Petition for Admission Pro Hac Vice in this matter.

9 6. Accordingly, pursuant to LR IA 6-1(a), the Parties wish to extend the deadline for
10 Defendant to respond to the Complaint by approximately 30 days in order to allow Defendant's
11 new counsel at Haynes and Boone to adequately investigate the facts, prepare a responsive
12 pleading and file a Petition for Admission Pro Hac Vice.

13 7. For these reasons, the Parties stipulate and agree that Defendants shall have up to
14 and including March 15, 2024, within which to file its response to Plaintiff's Complaint.

15 8. No discovery deadlines or dates for trial have been set.

16 9. The Parties also request this case be referred to a different Magistrate Judge for an
17 Early Neutral Evaluation pursuant to LR 16-5 and LR 16-6.

18 10. This Court may set any appropriate civil case for settlement conference or
19 alternative method of dispute resolution. See LR 16-5.

20 11. The Parties agree that this matter is appropriate for referral for an Early Neutral
21 Evaluation in light of the Parties' agreement to participate in efforts to reach a global resolution
22 of this matter before additional costs and fees are incurred in this litigation, including, without
23 limitation, due to potential motion practice and discovery efforts by both Plaintiff and Defendant.

24 12. This is the Parties' first request to extend Defendant's response deadline and for
25 referral for an Early Neutral Evaluation pursuant to LR 16-5 and LR 16-6.

26 13. This stipulation is brought in good faith by the Parties and not for purposes of
27 delay.

28 **IT IS SO STIPULATED.**

1 DATED this 15th day of February, 2024.

DATED this 15th day of February, 2024.

2 HKM EMPLOYMENT
3 ATTORNEYS LLP

SKLAR WILLIAMS PLLC

4 By: /s/ Michael Arata
5 MICHAEL ARATA, ESQ.
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11 **IT IS SO ORDERED** the Clerk of Court is directed to assign this case to the Early
12 **Neutral Evaluation Program.**

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14 UNITED STATES MAGISTRATE JUDGE

15 DATED: 2-16-24
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